

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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BRIGHT PEOPLE FOODS DBA DR.
MCDOUGALL'S RIGHT FOODS,

NO. 2:24-cv-00060 WBS AC

Plaintiff and
Counterclaim-
Defendant,

v.

ALLIANCE SALES & MARKETING
MW, INC., and DOES 1 TO 20,

Defendant and
Counterclaimant.

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STATUS (PRETRIAL SCHEDULING) ORDER

After reviewing the parties' Joint Status Report, the court hereby vacates the Status (Pretrial Scheduling) Conference scheduled for June , and makes the following findings and orders without needing to consult with the parties any further.

I. SERVICE OF PROCESS

1 All defendants have been served, and no further service
2 is permitted without leave of court, good cause having been shown
3 under Federal Rule of Civil Procedure 16(b).

4 II. JOINDER OF PARTIES/AMENDMENTS

5 No further joinder of parties or amendments to
6 pleadings will be permitted except with leave of court, good
7 cause having been shown under Federal Rule of Civil Procedure
8 16(b). See Johnson v. Mammoth Recreations, Inc., 975 F.2d 604
9 (9th Cir. 1992).

10 III. JURISDICTION/VENUE

11 Jurisdiction in this contract dispute is predicated
12 upon 28 U.S.C. § 1332, because the parties are of diverse
13 citizenship and the amount in controversy exceeds \$75,000. The
14 court also has subject matter jurisdiction over the declaratory
15 judgment claims pursuant to 28 U.S.C. § 2201(a). Venue is
16 undisputed and hereby found to be proper.

17 IV. DISCOVERY

18 The parties agree to serve the initial disclosures
19 required by Federal Rule of Civil Procedure 26(a)(1) on or before
20 **July 18, 2024**.

21 The parties shall disclose experts and produce reports
22 in accordance with Federal Rule of Civil Procedure 26(a)(2) by no
23 later than **October 10, 2025**. With regard to expert testimony
24 intended solely for rebuttal, those experts shall be disclosed
25 and reports produced in accordance with Federal Rule of Civil
26 Procedure 26(a)(2) on or before **November 7, 2025**.

27 All discovery, including depositions for preservation
28 of testimony, is left open, save and except that it shall be so

1 conducted as to be completed by **December 5, 2025**. The word
2 "completed" means that all discovery shall have been conducted so
3 that all depositions have been taken and any disputes relevant to
4 discovery shall have been resolved by appropriate order if
5 necessary and, where discovery has been ordered, the order has
6 been obeyed. All motions to compel discovery must be noticed on
7 the magistrate judge's calendar in accordance with the local
8 rules of this court and so that such motions may be heard (and
9 any resulting orders obeyed) not later than **December 5, 2025**.

10 V. MOTION HEARING SCHEDULE

11 All motions, except motions for continuances, temporary
12 restraining orders, or other emergency applications, shall be
13 filed on or before **January 30, 2026**. All motions shall be
14 noticed for the next available hearing date. Counsel are
15 cautioned to refer to the local rules regarding the requirements
16 for noticing and opposing such motions on the court's regularly
17 scheduled law and motion calendar.

18 VI. FINAL PRETRIAL CONFERENCE

19 The Final Pretrial Conference is set for **April 6, 2026**,
20 at 1:30 p.m. in Courtroom No. 5. The conference shall be
21 attended by at least one of the attorneys who will conduct the
22 trial for each of the parties and by any unrepresented parties.

23 Counsel for all parties are to be fully prepared for
24 trial at the time of the Pretrial Conference, with no matters
25 remaining to be accomplished except production of witnesses for
26 oral testimony. Counsel shall file separate pretrial statements,
27 and are referred to Local Rules 281 and 282 relating to the
28 contents of and time for filing those statements. In addition to

1 those subjects listed in Local Rule 281(b), the parties are to
2 provide the court with: (1) a plain, concise statement which
3 identifies every non-discovery motion which has been made to the
4 court, and its resolution; (2) a list of the remaining claims as
5 against each defendant; and (3) the estimated number of trial
6 days.

7 In providing the plain, concise statements of
8 undisputed facts and disputed factual issues contemplated by
9 Local Rule 281(b) (3)-(4), the parties shall emphasize the claims
10 that remain at issue, and any remaining affirmatively pled
11 defenses thereto. If the case is to be tried to a jury, the
12 parties shall also prepare a succinct statement of the case,
13 which is appropriate for the court to read to the jury.

14 **VII. TRIAL SETTING**

15 The jury trial is set for **June 2, 2026** at 9:00 a.m. The
16 parties estimate that the trial will last five to ten days.

17 **VIII. SETTLEMENT CONFERENCE**

18 A Settlement Conference with a magistrate judge will be
19 set at the time of the Pretrial Conference. Counsel are
20 instructed to have a principal with full settlement authority
21 present at the Settlement Conference or to be fully authorized to
22 settle the matter on any terms. At least seven calendar days
23 before the Settlement Conference counsel for each party shall
24 submit a confidential Settlement Conference Statement for review
25 by the settlement judge. The Settlement Conference Statements
26 shall not be filed and will not otherwise be disclosed to the
27 trial judge.

28 **IX. MODIFICATIONS TO SCHEDULING ORDER**

1 Any requests to modify the dates or terms of this
2 Scheduling Order, except requests to change the date of the
3 trial, may be heard and decided by the assigned Magistrate Judge.
4 All requests to change the trial date shall be heard and decided
5 only by the undersigned judge.

6 IT IS SO ORDERED.

7 Dated: May 29, 2024



8 **WILLIAM B. SHUBB**
9 **UNITED STATES DISTRICT JUDGE**

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